

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT of TEXAS
SAN ANTONIO DIVISION**

UNITED STATES of AMERICA,

Plaintiff

v.

WILLIAM D. SLADE,

Defendant

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**Criminal Case
No. SA-7-CR-506(1)-XR**

O R D E R


Defendant William D. Slade's Application to Proceed In Forma Pauperis (IFP) (Docket Entry # 180) and request for a copy of the record in this case at Government expense to appeal his 2008 conviction for possession of a firearm by a convicted felon is **DENIED**. Defendant pleaded guilty and failed to present an arguable issue for appeal. Furthermore, Defendant's notice of appeal, filed September 30, 2011, is untimely. *See* Fed. R. App. P. 4(b)(1)(A). Defendant's appeal fails to present a "good faith" non-frivolous issue for appeal as required by 28 U.S.C. § 1915(a)(3) to proceed in forma pauperis. *See Coppedge v. U.S.*, 369 U.S. 438, 445, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

If Defendant Slade seeks a free copy of the record in order to file a 28 U.S.C. § 2255 motion to vacate, the motion for a free record is **DENIED**. An IFP litigant must show a special need for the requested records and "[a petitioner] is not entitled to a free copy of his transcript . . . merely because he is an indigent." *Bonner v. Henderson*, 517 F. 2d 135, 136 (5th Cir. 1975). Defendant failed to demonstrate a special need for a record in this case. Defendant does not have § 2255 motion to vacate pending, and his time for filing a § 2255 motion has long expired. Moreover, Defendant or

his former-counsel should already have a record of this case based on the prior proceedings in this case.

It is so ORDERED.

SIGNED on November 9, 2011.

A handwritten signature in cursive script, reading "Nancy Stein Nowak", is written over a horizontal line.

NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE